

SENATE BILL 471

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CF 4lr4595

By: **The President (By Request – Administration) and Senators Beidle, Brooks, Carozza, Carter, Charles, Elfreth, Ferguson, Gile, Hester, Hettleman, Lam, McKay, Rosapepe, Salling, Waldstreicher, and West**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Victim Compensation – Alterations**
3 **(Victim Compensation Reform Act of 2024)**

4 FOR the purpose of altering the composition of the Criminal Injuries Compensation Board;
5 altering certain duties, powers, and procedures for the Board to make awards to
6 victims of crime; altering the powers and duties of certain employees; altering the
7 amount and types of awards the Board is authorized to make to certain victims of
8 crime; authorizing reconsideration and judicial review of decisions of the Board;
9 altering certain criminal penalties; authorizing the Governor to include certain
10 funding in the annual budget bill for the Criminal Injuries Compensation Fund; and
11 generally relating to the Criminal Injuries Compensation Board and the Criminal
12 Injuries Compensation Fund.

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 11–801, 11–802, 11–804(b) and (c), 11–805, 11–807(b), 11–808(a), 11–809(a),
16 11–810, 11–811(a) and (b), 11–813, 11–814, 11–818, and 11–819
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Criminal Procedure
21 Section 11–804(a)
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2023 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Procedure

11–801.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Criminal Injuries Compensation Board.

(c) “Claimant” means the person filing a claim under this subtitle.

(d) (1) “Crime” means:

(i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in:

1. this State; or

2. another state against a resident of this State; or

(ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State.

(2) “Crime” does not include an act involving the operation of a vessel or motor vehicle unless the act is:

(i) a violation of § 20–102, § 20–104, **§ 21–706, § 21–901.3, § 21–902, [or] § 21–904, OR § 21–1124.3** of the Transportation Article;

(ii) a violation of § 8–738 of the Natural Resources Article;

(iii) a violation of the Criminal Law Article;

(iv) operating a motor vehicle or vessel that results in an intentional injury; or

(v) a violation of federal law or the law of another state that is substantially equivalent to a violation under this paragraph, as required under 34 U.S.C. § 20102(b)(5) and (6).

(e) “Dependent” means:

(1) a surviving spouse, **DOMESTIC PARTNER**, or child of a person; or

(2) a person who is dependent on another person for principal support.

(f) “Executive Director” means the Executive Director of the Governor’s Office of

1 Crime Prevention, Youth, and Victim Services.

2 (G) “QUALIFIED THIRD PARTY” MEANS:

3 (1) A LICENSED PHYSICIAN OR PSYCHOLOGIST AUTHORIZED TO
4 PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE;

5 (2) A SOCIAL WORKER OR CASEWORKER OF ANY PUBLIC OR PRIVATE
6 HEALTH OR SOCIAL SERVICES AGENCY OR PROVIDER; OR

7 (3) AN ADVOCATE OR VICTIM SERVICE PROVIDER FROM A DOMESTIC
8 VIOLENCE OR SEXUAL ASSAULT PREVENTION OR ASSISTANCE PROGRAM.

9 [(g)] (H) “Victim” means a person:

10 (1) who suffers physical OR PSYCHOLOGICAL injury or death as a result
11 of a crime or delinquent act; OR

12 (2) [who suffers psychological injury as a direct result of:

13 (i) a fourth degree sexual offense or a delinquent act that would be
14 a fourth degree sexual offense if committed by an adult;

15 (ii) a felony or a delinquent act that would be a felony if committed
16 by an adult; or

17 (iii) physical injury or death directly resulting from a crime or
18 delinquent act; or

19 (3)] who suffers physical injury or death as a direct result of:

20 (i) trying to prevent a crime or delinquent act or an attempted crime
21 or delinquent act from occurring in the person’s presence;

22 (ii) trying to apprehend an offender who had committed a crime or
23 delinquent act in the person’s presence or had committed a felony or a delinquent act that
24 would be a felony if committed by an adult; or

25 (iii) helping a law enforcement officer in the performance of the
26 officer’s duties or helping a member of a fire department OR AN AGENCY THAT PROVIDES
27 EMERGENCY MEDICAL SERVICES who is being obstructed from performing the member’s
28 duties.

29 11–802.

30 (a) The General Assembly finds:

1 (1) that many [innocent] persons suffer personal physical or psychological
2 injury or die because of [crimes or delinquent acts or in their efforts to prevent them or
3 apprehend persons committing or attempting to commit them] **CRIME VICTIMIZATION;**

4 (2) that [these persons or their dependents may as a result suffer
5 disability, incur financial hardships, or become reliant on public assistance] **THERE IS A
6 NEED FOR GOVERNMENT ASSISTANCE FOR CRIME VICTIMS AND THEIR LOVED ONES;**
7 and

8 (3) that [there is a need for government financial assistance for these
9 victims] **NEEDED ASSISTANCE INCLUDES FINANCIAL ASSISTANCE TO ADDRESS THE
10 MANY SIGNIFICANT EMOTIONAL, PRACTICAL, AND FINANCIAL HURDLES THAT
11 RESULT FROM CRIME VICTIMIZATION, INCLUDING LOST WORK, UNEXPECTED
12 FUNERAL EXPENSES, AND HEALTH NEEDS.**

13 (b) The policy of the State is that help, care, and support be provided by the State,
14 as a matter of moral responsibility **AND PUBLIC SAFETY**, for these victims.

15 11-804.

16 (a) There is a Criminal Injuries Compensation Board in the Governor's Office of
17 Crime Prevention, Youth, and Victim Services.

18 (b) (1) The Board consists of [five] **SEVEN** members.

19 (2) **THE MEMBERSHIP OF THE BOARD SHALL REFLECT THE RACIAL,
20 ETHNIC, GEOGRAPHIC, AND GENDER DIVERSITY OF THE STATE.**

21 (3) Of the [five] **SEVEN** members of the Board:

22 (i) one shall be a family member of a homicide victim;

23 (ii) [no more than four may belong to the same political party] **AT
24 LEAST ONE SHALL BE A SURVIVOR OF VIOLENCE WHO IS A MEMBER OF A COMMUNITY
25 THAT EXPERIENCES DISPROPORTIONATELY HIGH RATES OF VIOLENCE AND
26 INCARCERATION;** and

27 (iii) [one shall have been admitted to practice law in the State for at
28 least 5 years immediately preceding the appointment] **AT LEAST ONE SHALL BE A
29 REPRESENTATIVE OF AN ORGANIZATION THAT PROVIDES ASSISTANCE TO VICTIMS
30 APPLYING FOR VICTIM COMPENSATION.**

31 [(3)] (4) The Executive Director shall appoint the members of the Board,
32 with the approval of the Governor and the advice and consent of the Senate.

1 (c) (1) The term of a member is 5 years.

2 (2) A member who is appointed to fill a vacancy occurring other than by
3 expiration of a term serves for the rest of the unexpired term.

4 (3) **A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE**
5 **TERMS.**

6 11-805.

7 (a) Subject to the authority of the Executive Director, the Board has the following
8 powers and duties:

9 (1) to establish and maintain an office and to appoint and prescribe the
10 duties of a claims examiner, a secretary, clerks, and any other employees and agents as
11 may be necessary;

12 (2) to adopt regulations to carry out the provisions and purposes of this
13 subtitle, including procedures for the review and evaluation of claims and regulations for
14 the approval of attorneys' fees for representation before the Board or before the court on
15 judicial review;

16 (3) to request from the State's Attorney, the Department of State Police,
17 [or] county or municipal police departments, **OR A QUALIFIED THIRD PARTY** any
18 investigation and information that will help the Board to determine[:

19 (i)] whether a crime or a delinquent act was committed or attempted;
20 [and

21 (ii) whether and to what extent the victim or claimant was
22 responsible for the victim's or claimant's own injury;]

23 (4) to **DELEGATE TO EMPLOYEES OF THE BOARD THE ABILITY TO** hear
24 and determine each claim for an award filed with the Board under this subtitle, **TO HEAR**
25 **APPEALS BY APPLICANTS OF INITIAL DETERMINATIONS MADE BY EMPLOYEES OF**
26 **THE BOARD**, and to reinvestigate or reopen a case as the Board determines to be necessary;

27 (5) to direct medical examination of victims;

28 (6) to hold hearings, administer oaths, examine any person under oath, and
29 issue subpoenas requiring the attendance and testimony of witnesses or requiring the
30 production of documents or other evidence; **AND**

31 (7) to take or cause to be taken affidavits or depositions within or outside
32 the State[; and

1 (8) to submit each year to the Governor, to the Executive Director, and,
2 subject to § 2-1257 of the State Government Article, to the General Assembly a written
3 report of the activities of the Board].

4 (b) Except as otherwise provided by law, an employee of the Board is subject to
5 the State Personnel and Pensions Article.

6 (c) [(1)] The Board [may delegate to a member or employee of the Board its
7 powers under this section to hold hearings, administer oaths, examine a person under oath,
8 and issue subpoenas.

9 (2) A subpoena issued under this section is subject to the Maryland Rules]
10 **SHALL:**

11 **(1) DELEGATE TO EMPLOYEES OF THE BOARD AUTHORITY TO HEAR**
12 **CLAIMS AND MAKE INITIAL DETERMINATIONS REGARDING EACH CLAIM FOR AN**
13 **AWARD FILED WITH THE BOARD UNDER THIS SUBTITLE, AND ANY OTHER POWERS**
14 **NECESSARY FOR THE OFFICE WITHIN THE BOARD TO MAKE INITIAL**
15 **DETERMINATIONS; AND**

16 **(2) SUBMIT EACH YEAR TO THE GOVERNOR, TO THE EXECUTIVE**
17 **DIRECTOR, AND, SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO**
18 **THE GENERAL ASSEMBLY A WRITTEN REPORT OF THE ACTIVITIES OF THE BOARD,**
19 **INCLUDING:**

20 **(I) THE NUMBER OF APPLICATIONS FILED WITH THE BOARD;**

21 **(II) THE NUMBER OF APPLICATIONS APPROVED;**

22 **(III) THE NUMBER OF APPLICATIONS DENIED;**

23 **(IV) AGGREGATED DATA REGARDING THE BASIS FOR EACH**
24 **DENIAL;**

25 **(V) ANONYMIZED DATA INDICATING THE RACE, GENDER, AGE,**
26 **AND COUNTY OF RESIDENCE OF VICTIMS;**

27 **(VI) ANONYMIZED DATA INDICATING THE CRIME INVOLVED IN**
28 **EACH APPLICATION; AND**

29 **(VII) THE AVERAGE TIME IN BETWEEN THE BOARD RECEIVING AN**
30 **APPLICATION, THE DETERMINATION OF ELIGIBILITY, AND THE FIRST**
31 **DISBURSEMENT TO THE VICTIM.**

1 **(D) (1) A CLAIM BY A PERSON OTHER THAN THE VICTIM MAY NOT**
2 **INCLUDE NARRATIVE DESCRIBING THE VICTIM OR A PHOTOGRAPH OF THE VICTIM.**

3 **(2) THE BOARD MAY NOT DISCLOSE THE IDENTITY OF OR**
4 **INFORMATION THAT CLEARLY IDENTIFIES A VICTIM OF SEXUAL ASSAULT, CHILD**
5 **ABUSE, STALKING, OR ELDER ABUSE.**

6 **(3) IF THE CONFIDENTIALITY OF A RECORD OR REPORT THAT THE**
7 **BOARD OBTAINS IS PROTECTED BY LAW OR REGULATION, THE RECORD OR REPORT**
8 **SHALL REMAIN CONFIDENTIAL, SUBJECT TO THE LAW OR REGULATION.**

9 11-807.

10 (b) When a report of a [violent] crime is filed with a law enforcement unit, the
11 law enforcement unit shall give to a victim of that [violent] crime written information that
12 the Board supplies about compensation for victims.

13 11-808.

14 (a) (1) Except as provided in paragraph (2) of this subsection, the following
15 persons are eligible for awards in the manner provided under this subtitle:

16 (i) a victim;

17 (ii) a dependent of a victim who died as a direct result of:

18 1. a crime or delinquent act;

19 2. trying to prevent a crime or delinquent act or an attempted
20 crime or delinquent act from occurring in the victim's presence or trying to apprehend a
21 person who had committed a crime or delinquent act in the victim's presence [or had
22 committed a felony or a delinquent act that would be considered a felony if committed by
23 an adult]; or

24 3. helping a law enforcement officer perform the officer's
25 duties or helping a member of a fire department **OR AN AGENCY THAT PROVIDES**
26 **EMERGENCY MEDICAL SERVICES** who is obstructed from performing the member's
27 duties;

28 (iii) any person who paid or assumed responsibility for the funeral
29 expenses of a victim who died as a direct result of:

30 1. a crime or delinquent act;

1 2. trying to prevent a crime or delinquent act or an attempted
2 crime or delinquent act from occurring in the victim's presence or trying to apprehend a
3 person who had committed a crime or delinquent act in the victim's presence [or had
4 committed a felony]; or

5 3. helping a law enforcement officer perform the officer's
6 duties or helping a member of a fire department **OR AN AGENCY THAT PROVIDES**
7 **EMERGENCY MEDICAL SERVICES** who is obstructed from performing the member's
8 duties; and

9 (iv) 1. a parent, child, **DOMESTIC PARTNER, DEPENDENT**
10 **MINOR, ADULT UNDER LEGAL GUARDIANSHIP**, or spouse of a victim who resides with
11 the victim; or

12 2. a parent, child, **DOMESTIC PARTNER, DEPENDENT**
13 **MINOR, ADULT UNDER LEGAL GUARDIANSHIP**, or spouse of an individual who is
14 incarcerated for abuse as defined in § 4-501 of the Family Law Article and who, prior to
15 incarceration:

16 A. resided with the parent, child, **DOMESTIC PARTNER,**
17 **DEPENDENT MINOR, ADULT UNDER THEIR LEGAL GUARDIANSHIP**, or spouse; and

18 B. provided financial support to the parent, child, **DOMESTIC**
19 **PARTNER, DEPENDENT MINOR, ADULT UNDER THE INDIVIDUAL'S LEGAL**
20 **GUARDIANSHIP**, or spouse.

21 (2) A person who commits the crime or delinquent act that is the basis of a
22 claim, or an accomplice of the person, is not eligible to receive an award with respect to the
23 claim.

24 11-809.

25 (a) (1) Except as provided in paragraphs (2) [and], (3), **AND (4)** of this
26 subsection, a claimant shall file a claim within [3] 4 years after the later of:

27 (i) the discovery of the occurrence of the crime or delinquent act or
28 the death of the victim; or

29 (ii) the earlier of:

30 1. the date the claimant discovered an attempt to obtain a
31 reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act; or

32 2. the date the claimant, exercising ordinary diligence,
33 should have discovered an attempt to obtain a reversal of a conviction, a sentence, or an
34 adjudication for the crime or delinquent act.

1 (2) In a case of child abuse, a claimant may file a claim[:

2 (i) up to the date the child who was the subject of the abuse reaches
3 the age of 25 years; or

4 (ii) if the Board determines that there was good cause for failure to
5 file a claim before the date the child who was the subject of the abuse reached the age of 25
6 years,] at any time.

7 (3) In a case [of sexual assault, a] **WHERE THE FILING OF A CLAIM WAS**
8 **DELAYED AS THE RESULT OF A DELAY IN THE TESTING OF DNA OR A DELAY IN DNA**
9 **PROFILE MATCHING FROM A SEXUAL ASSAULT FORENSIC EXAMINATION KIT OR**
10 **BIOLOGICAL MATERIAL RELATED TO A SEXUAL OFFENSE, A CLAIMANT SHALL FILE A**
11 **CLAIM WITHIN 4 YEARS AFTER NOTIFICATION OF THE RESULTS OF THE TESTING OR**
12 **DNA PROFILE MATCHING.**

13 (4) A claimant may file a claim at any time if the Board determines that
14 there was good cause for failure to file a claim within the time limits provided under
15 paragraphs (1) and [(2)] (3) of this subsection.

16 11–810.

17 (a) [(1)] The Board may make an award only if the Board finds that:

18 [(i)] (1) a crime or delinquent act was committed; AND

19 [(ii)] (2) the crime or delinquent act directly resulted in:

20 [1.] (I) physical injury to or death of the victim; or

21 [2.] (II) psychological injury to the victim that necessitated
22 mental health counseling[;

23 (iii) police, other law enforcement, or judicial records show that the
24 crime or delinquent act or the discovery of child abuse was reported to the proper
25 authorities within 48 hours after the occurrence of the crime or delinquent act or the
26 discovery of the child abuse; and

27 (iv) the victim has cooperated fully with all law enforcement units.

28 (2) For good cause, the Board may waive the requirements of paragraph
29 (1)(iii) and (iv) of this subsection].

30 (b) **THE BOARD SHALL ACCEPT AS EVIDENCE:**

- 1 **(1) A REPORT PRODUCED BY A LAW ENFORCEMENT AGENCY;**
- 2 **(2) MEDICAL RECORDS DOCUMENTING AN INJURY CONSISTENT WITH**
3 **THE ALLEGED CRIME;**
- 4 **(3) A SWORN STATEMENT FROM A QUALIFIED THIRD PARTY;**
- 5 **(4) A PEACE ORDER ISSUED UNDER TITLE 3, SUBTITLE 15 OF THE**
6 **COURTS ARTICLE;**
- 7 **(5) A PROTECTIVE ORDER ISSUED UNDER TITLE 4, SUBTITLE 5 OF**
8 **THE FAMILY LAW ARTICLE; AND**
- 9 **(6) ANY OTHER EVIDENCE THE BOARD CONSIDERS PROBATIVE.**

10 **(C)** Unless total dependency is established, family members, **HOUSEHOLD**
11 **MEMBERS, AND MINORS LIVING WITH A LEGAL GUARDIAN** are considered to be partly
12 dependent on a parent **OR A LEGAL GUARDIAN** with whom they reside without regard to
13 actual earnings.

14 **[(c)] (D)** The Board may make an award only if the claimant, as a result of the
15 injury on which the claim is based, has:

16 (1) incurred at least \$100 in unreimbursed and unreimbursable expenses
17 or indebtedness reasonably incurred or claimed for:

- 18 (i) medical care, **INCLUDING THE COST OF MEDICAL SUPPLIES;**
- 19 (ii) expenses for eyeglasses and other corrective lenses;
- 20 (iii) mental health counseling;
- 21 (iv) funeral expenses;
- 22 (v) repairing, replacing, or cleaning property;
- 23 (vi) disability or dependent claim, **OR ANY ASSISTIVE**
24 **TECHNOLOGY RELATED TO A DISABILITY OR DEPENDENT CLAIM; [or]**

25 **(VII) THE COSTS OF ONE-TIME RELOCATION, INCLUDING ANY**
26 **SECURITY DEPOSIT;**

27 **(VIII) CHILD CARE EXPENSES INCURRED AS A RESULT OF SEEKING**
28 **MEDICAL OR PSYCHOLOGICAL CARE;**

1 **(IX) TRANSPORTATION COSTS INCURRED BY TRAVEL TO SEEK**
2 **MEDICAL OR PSYCHOLOGICAL CARE; OR**

3 ~~[(vii)]~~ **(X)** other necessary services; or

4 (2) lost at least \$100 in earnings or support.

5 ~~[(d)]~~ **(E)** ~~[(1) (i)]~~ Except as provided under subparagraph (ii) of this
6 paragraph, in considering a claim and in determining the amount of an award, the Board
7 shall determine whether the victim's conduct contributed to the infliction of the victim's
8 injury, and, if so, reduce the amount of the award or reject the claim.

9 (ii) The Board may disregard the responsibility of the victim for the
10 victim's own injury if that responsibility is attributable to efforts by the victim:

11 1. to prevent a crime or delinquent act or an attempted crime
12 or delinquent act from occurring in the victim's presence; or

13 2. to apprehend an offender who had committed a crime or
14 delinquent act in the victim's presence or had committed a felony or delinquent act that
15 would be a felony if committed by an adult.

16 (2) A claimant filing for injuries incurred as the occupant of a motor vehicle
17 or a dependent of an occupant of a motor vehicle operated in violation of § 21-902 of the
18 Transportation Article may not receive an award unless the claimant proves that the
19 occupant did not know or could not have known of the condition of the operator of the
20 vehicle.

21 ~~[(3)]~~ A claimant may not receive an award if:

22 (i) the victim initiated, consented to, provoked, or unreasonably
23 failed to avoid a physical confrontation with the offender; or

24 (ii) the victim was participating in a crime or delinquent act when
25 the injury was inflicted.]

26 ~~[(e)]~~ **(F)** (1) A victim or dependent may not be denied compensation ~~[solely]~~
27 because the victim:

28 (i) is a relative of the offender; or

29 (ii) was living with the offender as a family member or household
30 member at the time of the injury or death.

31 (2) If the Board can reasonably determine that the offender will not receive

1 any economic benefit or undue enrichment from the compensation, the Board may award
2 compensation to a victim or dependent who is a relative, family member, or household
3 member of the offender.

4 11-811.

5 (a) (1) (i) Except as otherwise provided in this subsection, an award under
6 this subtitle shall be made in accordance with the schedule of benefits, as it existed on
7 January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6 of the Labor and
8 Employment Article and any other applicable provisions of the Labor and Employment
9 Article, except for Title 9, Subtitle 8 of the Labor and Employment Article.

10 (ii) For determining the amount of an award under this subtitle, the
11 term “average weekly wages” does not include tips, gratuities, and wages that are
12 undeclared on the claimant’s State or federal income tax returns for the applicable years.

13 (iii) If a claimant does not have “average weekly wages” to qualify
14 under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the award
15 shall be in an amount equal to the average of the maximum and minimum awards listed in
16 the applicable portion of that subtitle.

17 (2) An award for loss of earnings or support made under this subtitle may
18 be up to two-thirds of the victim’s gross average wage, but may not be less than the amount
19 provided in paragraph (1) of this subsection.

20 (3) The parent or guardian of a victim who is a child and who resides with
21 the victim may be eligible for an award of up to 30 days of lost earnings as a result of caring
22 for the victim.

23 (4) An award for funeral expenses may not exceed ~~[\$7,500]~~ **\$10,000**.

24 (5) Subject to the limitation under subsection (b)(3) of this section and §
25 11-812 of this subtitle, a person who is eligible for an award as the result of the death of a
26 victim or psychological injury may be eligible, under the regulations that the Board adopts,
27 to receive psychiatric, psychological, or mental health counseling.

28 (6) Subject to the limitation under subsection (b)(6) of this section and §
29 11-812 of this subtitle, a parent, child, **DOMESTIC PARTNER, DEPENDENT**, or spouse of
30 a victim who resides with the victim and who is eligible for an award as the result of the
31 injury of a victim is eligible to receive psychiatric, psychological, or mental health
32 counseling.

33 (7) Subject to the limitation under subsection (b)(7) of this section and §
34 11-812 of this subtitle, a parent, child, **DOMESTIC PARTNER, DEPENDENT**, or spouse of
35 a victim who died as a direct result of a crime or delinquent act is eligible for an award of
36 up to 2 weeks of lost average weekly wages.

- 1 (b) Compensation awarded under this subtitle may not exceed:
- 2 (1) for a disability–related or dependency–related claim:
- 3 (i) except as provided in item (ii) of this paragraph, \$25,000; or
- 4 (ii) if the injury to the victim results in permanent total disability,
5 up to an additional \$25,000 after a disability–related claim has been awarded to the victim;
- 6 (2) \$45,000 for a medical claim;
- 7 (3) **[\$10,000] \$45,000** for each claimant for psychiatric, psychological, or
8 mental health counseling under subsection (a)(5) of this section;
- 9 (4) except as provided in item (1)(ii) of this subsection, a total of \$45,000,
10 including any subsequent and supplemental awards;
- 11 (5) **[\$250] \$2,000** for each claimant for repair, replacement, or cleaning of
12 property damaged, soiled, or littered as a result of a crime or law enforcement investigation
13 of a crime, **INCLUDING THE COST OF REPLACING LOCKS**;
- 14 (6) for an award for psychiatric, psychological, or mental health counseling
15 made under subsection (a)(6) of this section:
- 16 (i) \$10,000 for each claimant; and
- 17 (ii) \$20,000 for each incident; or
- 18 (7) \$2,000 for lost average weekly wage claims made under subsection
19 (a)(7) of this section.

20 11–813.

21 (a) The Board may make an emergency award to the claimant before making a
22 final decision in the case, if the Board determines, before taking action on the claim, that:

- 23 (1) an award likely will be made on the claim; and
- 24 (2) the claimant will suffer undue hardship unless immediate payment is
25 made.

26 (b) **[(1)]** The amount of an emergency award under this section:

27 **[(i)] (1)** may not exceed **[\$5,000] \$10,000**; and

28 **[(ii)] (2)** shall be deducted from any final award made to the

1 claimant.

2 **[(2)** Except as provided in paragraph (3) of this subsection, a claimant shall
3 repay the Board:

4 (i) the excess of the amount of the emergency award over any final
5 award; or

6 (ii) if a final award is not made, all of the emergency award.

7 **(3)** On written request by a claimant, for a compelling reason the Board
8 may waive the requirement that a claimant repay an emergency award under paragraph
9 **(2)** of this subsection.]

10 **(C) UNLESS THE BOARD FINDS BY CLEAR AND CONVINCING EVIDENCE THAT**
11 **THE APPLICATION IS WITHOUT MERIT, THE BOARD SHALL MAKE EMERGENCY**
12 **AWARDS FOR:**

13 **(1) FUNERAL EXPENSES;**

14 **(2) CRIME SCENE CLEANUP; AND**

15 **(3) EMERGENCY RELOCATION.**

16 **(D) THE BOARD SHALL MAKE AVAILABLE PUBLICLY ON ITS WEBSITE A**
17 **FORM OR ONLINE APPLICATION PORTAL FOR VICTIMS TO APPLY FOR EMERGENCY**
18 **AWARDS.**

19 11-814.

20 (a) **(1)** Within 30 days after the receipt of a claim, the Board shall notify the
21 claimant **BY E-MAIL, PHONE, OR OTHER MANNER TO PROVIDE IMMEDIATE NOTICE** if
22 additional material is required.

23 **(2) THE BOARD SHALL DOCUMENT THE DATE AND TIME THAT NOTICE**
24 **IS ISSUED UNDER THIS SUBSECTION.**

25 (b) (1) Except as provided in paragraph (2) of this subsection, within **[90] 30**
26 days after the receipt of a claim and all necessary supporting material, the Board **OR**
27 **EMPLOYEES OF THE BOARD** shall:

28 (i) complete the review and evaluation of each claim; and

29 (ii) file with the Executive Director a written report setting forth the
30 decision and the reasons in support of the decision.

1 (2) For good cause shown, for a period not to exceed 1 year the Board may
2 extend the time to file its report with the Executive Director after receipt of the claim and
3 all necessary supporting material until the first to occur of the following events:

4 (i) the claimant no longer has expenses related to the crime; or

5 (ii) the claimant has been awarded the maximum amount
6 authorized under §§ 11–811(b) and 11–812 of this subtitle.

7 (c) **(1)** Within 30 days after the receipt of a written report from the Board **OR**
8 **AN EMPLOYEE OF THE BOARD**, the [Executive Director shall modify, affirm, or reverse
9 the decision of the Board] **CLAIMANT MAY PETITION THE BOARD FOR**
10 **RECONSIDERATION.**

11 **(2) (I) WITHIN 30 DAYS AFTER THE RECEIPT OF A PETITION FOR**
12 **RECONSIDERATION, THE BOARD SHALL ISSUE A DECISION.**

13 **(II) THE BOARD SHALL FILE WITH THE EXECUTIVE DIRECTOR**
14 **A WRITTEN REPORT SETTING FORTH THE DECISION AND THE REASONS IN SUPPORT**
15 **OF THE DECISION.**

16 **(3) A CLAIMANT MAY APPEAL THE DECISION OF THE BOARD ON A**
17 **PETITION FOR RECONSIDERATION BY FILING A PETITION FOR JUDICIAL REVIEW IN**
18 **ACCORDANCE WITH TITLE 7 OF THE MARYLAND RULES.**

19 (d) [The decision of the Executive Director to affirm, modify, or reverse the
20 decision of the Board is final.

21 (e)] The claimant shall be given a copy of [the final] ANY report [on request]
22 **ISSUED BY THE BOARD OR AN EMPLOYEE OF THE BOARD.**

23 11–818.

24 (a) A person may not assert a false claim under this subtitle.

25 (b) A person who violates this section:

26 (1) is guilty of a misdemeanor and on conviction is subject to a fine not less
27 than \$500 [or imprisonment not exceeding 1 year or both]; and

28 (2) shall forfeit any benefit received and reimburse the State for payments
29 received or paid on the person's behalf under this subtitle.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read

1 as follows:

2 **Article – Criminal Procedure**

3 11–819.

4 (a) (1) There is a Criminal Injuries Compensation Fund.

5 (2) The Fund consists of:

6 (i) money distributed to the Fund from the additional court costs
7 collected from defendants under § 7–409 of the Courts Article;

8 (ii) any investment earnings or federal matching funds received by
9 the State for criminal injuries compensation; and

10 (iii) funds made available to the Fund from any other source.

11 (3) The Fund is a special continuing, nonlapsing fund that is not subject to
12 § 7–302 of the State Finance and Procurement Article.

13 (4) The Treasurer shall separately hold the Fund and the Comptroller shall
14 account for it.

15 (5) The Fund shall be invested and reinvested in the same manner as other
16 State funds.

17 (6) The Fund is subject to audit by the Office of Legislative Audits as
18 provided in § 2–1220 of the State Government Article.

19 **(7) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER,**
20 **THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION**
21 **ADEQUATE TO ENSURE A BALANCE IN THE FUND.**

22 (b) The Criminal Injuries Compensation Fund:

23 (1) shall be used to:

24 (i) carry out the provisions of this subtitle; and

25 (ii) distribute restitution payments forwarded to the Fund under §
26 9–614 of the Correctional Services Article; and

27 (2) may be used for:

28 (i) any award given under this subtitle; and

1 (ii) the costs of carrying out this subtitle.

2 (c) This section does not prohibit the Fund from receiving money from any other
3 source.

4 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
5 effect July 1, 2025.

6 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
7 3 of this Act, this Act shall take effect July 1, 2024.